

Title	Child Support: Implementation of New and Amended Governmental Forms by Local Child Support Agencies (adopt Cal. Rules of Court, rule 5.311)
Summary	Child Support: Implementation of New and Amended Governmental Forms by Local Child Support Agencies (adopt Cal. Rules of Court, rule 5.311)
Source	Family and Juvenile Law Advisory Committee
Staff	Michael Wright, 415-865-7619, michael.wright@jud.ca.gov Ruth McCreight, 415-865-7666, ruth.mccreight@jud.ca.gov Rita Mah, 415-865-7670, rita.mah@jud.ca.gov
Discussion	<p><i>Implementation of new and amended governmental forms by local child support agencies</i> Rule 5.311 would be adopted to allow local child support agencies to have six months after the effective date of new or amended governmental forms to implement the forms, and permit the use of the prior version of the forms during this six-month period. The rule also ensures the validity of the use of the immediately prior version of the form during that six-month period, unless amendments to the form altered it so substantially that a party is prejudiced.</p> <p>This rule would improve the administration of governmental child support cases. The Department of Child Support Services has six different automated computer systems it has to program to be able to use new and amended governmental forms. Because many of the new and amended governmental forms have not been available from the Judicial Council's publisher until less than 30 days before their effective date, there have been technical problems implementing new and amended governmental forms by local child support agencies.</p>
	Attachment

Rule 5.311 of the California Rules of Court would be adopted, effective January 1, 2004, to read:

**Rule 5.311. Implementation of new and amended governmental forms by local child support agencies**

- (a) A local child support agency providing services as required by Family Code section 17400 must implement any new or amended form approved or adopted by the Judicial Council for support actions under Title IV-D of the Social Security Act, and under California statutory provisions concerning these actions, within six months of the effective date of the form. During that six-month period, the local child support agency may properly use and file the immediately prior version of the form.
- (b) If the clerk of the court accepts for filing the immediately prior version of the form, that form is valid unless a party demonstrates substantial prejudice due to the use of the prior version of the form.
- (c) When the local child support agency files a proposed judgment or proposed supplemental judgment in any action using form FL-630 *Judgment Regarding Parental Obligations (Governmental)*, a final judgment or supplemental judgment may be filed on
- (1) the same version of the form that was used with the initial action or was filed as an amended proposed judgment, or
- (2) the new version of the form, unless there have been amendments to the form that result in the new version being substantially changed from the filed version. If the new version of the form has been substantially changed from the filed version, then the filed version must be used for the final judgment. A substantial change is one that would change the relief granted in a final judgment from that noticed in a proposed or amended proposed judgment.